

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Colin G. Caro et al.
TITLE : HELICAL GRAFT
APPLICATION NO. : 10/549,498
FILED : August 14, 2006
EXAMINING ATTORNEY : Megan Yarnall Wolf
LAST OFFICE ACTION : December 20, 2010
ART UNIT : 3738
CONFIRMATION NO. : 7739
ATTORNEY DOCKET NO. : DEHN 2 00008US01
Cleveland, OH 44114
July 8, 2011

SUPPLEMENTAL RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Amendment which was filed on May 20, 2011, applicants wish to make the following points.

The Cymbalisty 6,896,007 patent was incorrectly characterized as having a straight rigid pipe which extends linearly. Rather, Cymbalisty discloses a helical pipe which extends linearly. In other words, it follows a helical path about a straight longitudinal axis as is evident from, e.g., Figures 1, 3 and 4 thereof. Put another way, the helical path of Cymbalisty is about a straight axis. In contrast, the claimed invention pertains to a graft which extends around a curved axis. There is no teaching in Cymbalisty that the helical pipe geometry could be used in a pipe with a curved "envelope." Moreover, Cymbalisty's slurry pipes, since they are heavy duty, would most likely be made from steel or concrete and would not be capable of flexing to a curved condition, as called for by, e.g., pending claim 1.